



# MISSISSIPPI DEPARTMENT OF REVENUE

Sales and Use Tax Bureau

Notice 72-21-11

July 1, 2021

## **NOTICE TO MICROBREWERS, SMALL CRAFT BREWERS, BREWERS & IMPORTERS, BEER WHOLESALERS & RETAILERS**

House Bill 1091 as passed during the 2021 Regular Session of the Mississippi Legislature amends the State Beer Tax Law to add Microbrewers as a new type of manufacturer, requires Microbrewers and Small Craft Brewers to register as retailers, revises the products sellable at retail by Microbrewers and Small Craft Brewers, and increases the alcohol content for light spirit products to six percent (6%) ABW. The effective date of the law amendment is July 1, 2021.

A Microbrewery is defined as a manufacturer of light wine, light spirit products, or beer and is permitted to brew not more than three thousand (3,000) barrels at a permitted location. Microbreweries are required to obtain a manufacturer's permit and pay a privilege tax of one thousand dollars (\$1,000.00) for each permitted place of business. A microbrewer is also defined as a retailer and must obtain an annual retail beer permit at the cost of thirty dollars (\$30.00) per year. As a retailer, Microbrewers can sell not more than eighty percent (80%) of the production from its taproom. The remainder of the production is to be sold to licensed wholesalers for resale to other retailers. Microbrewers will also be permitted to sell light wines, light spirits, and beer produced by other manufacturers in their taprooms. These products must be purchased from licensed beer wholesalers.

The law also classifies Small Craft Brewers as retailers and as such requires them to obtain a retail beer permit at a cost of thirty dollars (\$30.00) per year. As retailers, Small Craft Brewers will now be permitted to sell not more than twenty five percent (25%) of its production from its taproom or two thousand five hundred barrels (2,500), whichever is less. Small Craft Brewers may sell not more than six hundred seventy (670) ounces in aggregate of light wine, light spirit products, or beer to any one individual for consumption off premises within a twenty-four-hour period. Small Craft Brewers will also be permitted to sell light wines, light spirits, and beer produced by other manufacturers in their taprooms. These products must be purchased from licensed beer wholesalers. The privilege tax for Small Craft Brewers license will remain at one thousand dollars (\$1,000.00) per year.

The bill also provides that Microbreweries and Small Craft Breweries may apply for an on-premise retailer's permit authorized under Miss. Code Ann. Section 67-1-51. This permit will allow the sale of alcoholic beverages for consumption on the licensed premises only.

House Bill 1091 also amends Section 63-3-3(j) and increases the maximum alcohol content allowable for Light Spirit Products to six percent (6%) by weight (7.5% alcohol by volume). Any previously approved Light Sprit Products that have been reformulated and contain the higher allowable alcohol content must be resubmitted to the Beer Section of the Mississippi Department of Revenue for approval.

If you have any questions, please contact the Sales Tax Department at 601-923-7015 or send emails to: [beer@dor.ms.gov](mailto:beer@dor.ms.gov).